IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS AMARILLO DIVISION

U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS
FILED
FEB 2 3 2024
CLERK, U.S. DISTRICT COURT
By

UNITED STATES OF AMERICA

v.

No. 2:24-MJ-20

NICKOLAS O'BRIEN

MOTION FOR PRETRIAL DETENTION AND CONTINUANCE

The United States asks for the pretrial detention of Defendant under Title 18, United States Code, Sections 3142(e) and 3142(f).

1.	Eligibility of Case. This case is eligible for a detention order under
	18 U.S.C. § 3142(f) because it is a case that involves:
	A crime of violence as defined in 18 U.S.C. § 3156(a)(4), violation
	of section 1591, or federal crime of terrorism for which the
	maximum sentence is 10 years or more. (18 U.S.C. § 3142(f)(1)(A)).
	An offense for which the maximum sentence is life imprisonment or
	death. (18 U.S.C. § 3142(f)(1)(B)).
	A Controlled Substances Act offense for which the maximum
	sentence is 10 years or more. (18 U.S.C. § 3142(f)(1)(C)).
	A felony that was committed after the defendant had been convicted
	of two or more prior federal offenses described in 18 U.S.C.
	§ $3142(f)(1)(A)-(C)$, or comparable state or local offenses. (18)
	U.S.C. § 3142(f)(1)(D)).
	A felony that involves a minor victim or failure to register as a sex
	offender. (18 U.S.C § 3142(f)(1)(E)).
	X A felony that involves the possession or use of a firearm, destructive
	device, or any other dangerous weapon. (18 U.S.C § 3142(f)(1)(E)).
	A serious risk defendant will flee. (18 U.S.C. § 3142(f)(2)(A)).
	A serious risk defendant will obstruct or attempt to obstruct justice,
	or threaten, injure, or intimidate, or attempt to threaten, injure, or
	intimidate a prospective witness or juror. (18 U.S.C. § 3142
	(f)(2)(B)).

§ 31	son for Detention. The Court should detain defendant, under 18 U.S.C 42(e), because no condition or combination of conditions will onably assure:
	_ Defendant's appearance as required Safety of any other person and the community.
pres	uttable Presumption. The United States will invoke the rebuttable umption against defendant under 18 U.S.C. § 3142(e). The umption applies because there is:
	A Controlled Substances Act offense for which the maximum sentence is 10 years or more. (18 U.S.C. § 3142(e)(3)(A)). An offense under Title 18, United States Code, Sections 924(c), 956(a), or 2332b. (18 U.S.C. § 3142(e)(3)(B)). A federal crime of terrorism for which the maximum sentence is 10 years or more. (18 U.S.C. § 3142(e)(3)(C)). An offense in Chapter 77 of Title 18 (human trafficking) for which the maximum sentence is 20 years or more. (18 U.S.C. § 3142(e)(3)(D)) Previous conviction for "eligible" offense committed while on pretrial bond. (18 U.S.C. § 3142(e)(2)). a qualifying offense involving a minor victim. (18 U.S.C. § 3142(e)(3)(E)).
	e for Detention Hearing. The United States requests the Court conducted letention hearing:
X	At first appearance After continuance of three days Moot at this time as defendant is in state [federal, administrative] custody. Hearing requested if detention becomes a viable issue.

5.	Eligibility for 10-Day Temporary Detention: The court may temporarily detain the defendant to permit revocation of conditional release, deportation, or exclusion because:
A.	i) The defendant is, and was at the time the offense was committed:
	on release pending trial for a felony under federal, state, or local law (18 U.S.C. § 3142(d)(1)(A)(i)); on release pending imposition or execution of sentence, appeal of sentence or conviction, or completion of sentence, for any offense under federal, state, or local law (18 U.S.C. § 3142(d)(1)(A)(ii)); on probation or parole for any offense under federal, state, or local law (18 U.S.C. § 3142(d)(1)(A)(iii)); or
	ii) The defendant is not a citizen of the United States or lawfully admitted for permanent residence as defined at 8 U.S.C. § 1101(a)(20) (18 U.S.C. § 3142(d)(1)(B));
B.	And the defendant:
	may flee; or pose a danger to any other person or the community.
	Respectfully submitted,
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